

REMARKS

Claim 1 of the present application 10/523,495 claims an enlarging template for use in copying an image. Boerger relates to a measuring device useful in copying documents and in particular an apparatus for determining the appropriate magnification factor for copying a document onto a sheet of paper (Column 1, lines 5-9).

Further, the enlarging template comprises a sheet of material. Boerger describes "a rectangular shaped mat 12" in relation to the embodiment shown in Figure 2 (Column 3 Line 67 – Column 4 line 1". It should be noted that several embodiments are described in Boerger and only those in Figures 2 and 3, and associated description, relate to a mat. The other embodiments in Boerger relate to bi-directional measuring instruments that do not form a sheet, rather they are an L-shaped device.

The template of the subject invention also comprises a series of individually identifiable regions marked on said sheet. Each region having a rectangular shape and area at least partially defined by lines marked on the sheet to provide a visual indication of the outline of the region with respect to the image related by a scaling factor to an output sheet size of a copying machine. Boerger (Column 4 line 1-10) describes "rows and columns of divisional markings and

numerical values printed upon it" with "(e)ach row and column combination creates an inverted L-shaped measuring unit 14 of divisional markings and numerical values with one horizontal axis 16 and one vertical axis 18. Several inverted L-shaped measuring units 14 are placed echelon on rectangular mat 12, one for each output copy sheet size that is available for the copy machine being used." Boerger does **not** describe regions of rectangular shape and area defined by lines marked on the sheet.

Claim 1 further states that the scaling factor to perform an enlarging copying operation on the copying machine in respect of an original image can be determined by positioning the original image (on or) under the template and determining the region on the template into which the original image fits in a desired manner. Boerger (Column 4 line 47) states that "the original document should then be placed onto the measuring plate 10 adjacent to the inside edge of the inverted L shaped measuring unit 14 which corresponds to the selected output copy sheet". "The horizontal magnification factor 20 and vertical magnification factor 22 are then read at the horizontal 24 and vertical 26 points on the inverted L shaped measuring unit 14". "Only one magnification factor 20 or 22 will be entered into the magnification system of the photocopy machine". When the horizontal factor 20 and vertical factor 22 do not provide a height-width ratio that is equal to that of the desired output copy sheet format, the operator must enter the smaller of the two magnification factors 20 or 22." Boerger does **not** describe determining the region on the template into which the original image fits in a desired manner. Rather, Boerger only describes the selection of an appropriate magnification factor of the original image so that the original image is now the size of the output sheet. No consideration is given to partial magnification of the original image. Further, Boerger only describes a situation where the

original document is placed onto the measuring plate rather than under the measuring plate.

The material of the template in Claim 1 is translucent so that the area occupied by an image can be determined when the template is placed over the image. Boerger (Column 4 line 11-14 and Lines 47-48) describe the "(m)asuring plate 10 can be placed on any flat surface on the photocopy machine. The underside of measuring plate 10 should be treated with an adhesive in order to facilitate attachment of the plate 10 to the copy machine", and "the original document should then be placed onto the measuring plate". Boerger does **not** describe that the template is placed over the image or that it is translucent, rather it **teaches away** from this situation as it is desired that the measuring plate 10 be attached to the copy machine without any means described for placing the image under the template.

The amendments made to claim 1 incorporate that the location of each region is related to the imaging area of the copying machine. Further, the position of each region corresponds to the position on which the image to be enlarged by the associated scaling factor should be positioned within the region of the copying machine. Boerger (Column 4 lines 27-31) describes "The magnification factions 20 and 22 express the percentage of the original size of the document to which the image must be magnified in order for it to be properly reproduced onto the copy sheet". Whilst Boerger describes the magnification relationship, the mat 12 is affixed elsewhere on the copy machine and **not** directly associated with the imaging area (or platen).

In summary, Boerger does **not** describe:

1. the rectangular shape and area of each region being defined by lines marked on the sheet;

2. determining the region on the template into which the original image fits in a desired manner;
3. that the template is placed over the image or that it is translucent; and
4. that each region is associated with the imaging area.

In this respect, the examiner relies upon the combination of Nachel to establish these missing elements.

Nachel describes a squaring plate for use in preparation of film from which printing plates can be made. The plate is a glass pane 10 with a series of longitudinal lines 12 and transversely extending lines 15 corresponding to inches and fractions thereof for column space in a newspaper (Column 2 line 47 – Column 3 line 40). Lights are mounted beneath the plate to enable the cutter to view the film and associated lines, thereby accurate crop markings are placed on the film (Column 2 lines 18-30 and Column 3 line 50 – Column 4 line 7).

The examiner contends that the present invention is obvious when the disclosures in Boerger are combined with that of Nachel. However, if the teaching of Nachel is, in particular the longitudinal and transverse lines, are combined with Boerger, the result would be a template affixed to the copy machine having a grid pattern. This combination does not provide for omitted item 2 as there would still be a degree of interpretation in the selection of the magnification factor. This is because the intersection of the various output sizes do not coincide with each other and a grid pattern would not be convenient to all values on the horizontal axis 16 and vertical axis 18.

It would therefore be a further step in the combination to realise that a non uniform grid pattern would be required for the entire combined template to be useful. Without this realisation, this would most likely lead to confusion of the user as it would be difficult for the user to associate a region with a particular output axis.

In respect of omitted item 3, the combination of Nachel would **not** be appropriate as Boerger is affixed to a copy machine and has no need for a glass sheet with a light at the rear, or even translucent. Even if able to be combined, the template **cannot** be positioned over the original image and there are no teachings or even suggestions in either document that this is possible. Accordingly, it is submitted that it would **not** be obvious for a skilled person to combine Nachel with Boerger with respect to this application. In any event, even if the combination was to occur, the combination would **not** suggest, teach or envisage that the template can be positioned over original image.

With respect to omitted item 4, as Nachel relates to cutting negatives rather than a copying machine, it would be illogical to suggest that the combination of the mat in Boerger with the glass pane of Nachel could be associated with the imaging area as Boerger is positioned away from the imaging area. The resultant combined product would be unsuitable. This is because the line markings would be on the glass imaging area underneath the original image and therefore the lines would be copied to the output sheet, which is undesirable.

It is also submitted that Nachel should not be combined with Boerger as the two documents relate to different areas of technology with no commonality. Boerger relates to a

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device useful in copying documents whilst Nachel relates to a squaring plate for use in preparation of film. Their uses are not remotely associated, as evidenced by the current US Classifications which are 399/197 (IMAGE FORMATION; Exposure; Variable Magnification; Having calculation) for Boerger and 33/494 (GEOMETRICAL INSTRUMENTS; Straight edge type; Rules; Special scale markings) for Nachel. It is submitted that it would be inconceivable for a person interested in devices for copying similar to Boerger to consider a document relating to a squaring plate used for the preparation of film relevant to their copying device, let alone search for documents in this area. This is in addition to the fact that neither document is suitable for positioning over the original image.

Applicant hereby requests reconsideration and reexamination thereof.

With the above amendments and remarks, this application is considered ready for allowance and Applicant earnestly solicits an early notice of same. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,

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